

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FRANCINE CLARK-WOODS,)
)
Plaintiff,)
)
v.) Case No. 4:10CV1377 FRB
)
MICHAEL J. ASTRUE, Commissioner)
of Social Security,)
)
Defendant.)

MEMORANDUM AND ORDER

Presently before the Court is the Application For Award Of Attorney's Fees Pursuant To The Equal Access To Justice Act (Docket No. 19). All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c).

This cause came before the Court on Plaintiff's appeal of an adverse decision of the Social Security Administration. In this Court's Judgment entered August 12, 2011, the Commissioner's decision was reversed, and this cause was ordered remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

Citing 28 U.S.C. § 2412(d), Plaintiff herein seeks an "attorney's fee award." (Docket No. 19 at page 1). Counsel for Plaintiff avers that he spent 7.8 hours of time and seeks compensation for same at the rate of \$175.00 per hour, and also seeks an award of \$350.00 for the filing fee, for a grand total of \$1,715.16. In support, Plaintiff avers that she is a prevailing

party; has a net worth of less than two million dollars, incurred these fees in this action; and that the Agency's position was not substantially justified.

In response, Defendant stated that he had no objection to the amount requested, but asked that this Court order the fees payable to Plaintiff as the litigant and subject to offset any pre-existing debt that she may owe to the United States in accordance with Astrue v. Ratliff, ___ U.S. ___, 130 S.Ct. 2521 (2010). Defendant also requested that this Court make the award of attorney's fees and expenses in the amount of \$1,365.16 and the award of court costs of \$350.00 separately, so that the costs may be properly reimbursed from the Judgment Fund.

Upon review of the instant Motion and Defendant's response thereto, the undersigned determines that the agreed-upon amount, and the Commissioner's requested terms, are reasonable.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application For Award Of Attorney's Fees Pursuant To The Equal Access To Justice Act (Docket No. 19) is granted.

IT IS FURTHER ORDERED that Plaintiff Francine Clark-Woods is awarded attorney's fees in the amount of \$1,365.16, to be made payable to her as the prevailing party and subject to offset any debt she may owe to the United States. 28 U.S.C. § 2412(d)(1)(A); Ratliff, ___ U.S. ___, 130 S.Ct. 2521 .

IT IS FURTHER ORDERED that Plaintiff Francine Clark Woods

is awarded court costs in the amount of \$350.00. 28 U.S.C. § 2412(a).

Frederick R. Buckles

Frederick R. Buckles
UNITED STATES MAGISTRATE JUDGE

Dated this 28th day of October, 2011.